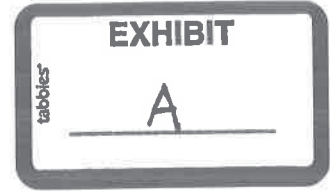


COMMONWEALTH OF VIRGINIA



SUMMONS – CIVIL ACTION

RULE 3:5; VA. CODE § 8.01-2

Case No. CL22000004-00

GREENE COUNTY CIRCUIT COURT

22 COURT ST, STANARDSVILLE, VA 22968

ADDRESS

TO:

COPPORATION SERVICE COMPANY

100 SHOCKOE SLIP, FLOOR 2

RICHMOND, VA 23219

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia.

JANUARY 7, 2022

DATE

SUSAN E. DUCKWORTH

Clerk

by

*Susan E. Duckworth*

DEPUTY CLERK

Instructions:

Hearing Official:

# COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No.

(CLERK'S OFFICE USE ONLY)

Greene County

Circuit Court

DAMIAN HORSLEY

SHEETZ, INC.

PLAINTIFF(S)

DEFENDANT(S)

13575 Castlebridge Lane, Woodbridge, VA 22193

5700 6th Avenue, Altoona, PA 16602

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

**GENERAL CIVIL****Subsequent Actions**

- ☐ Claim Impleading Third Party Defendant  
☐ Monetary Damages  
☐ No Monetary Damages  
☐ Counterclaim  
☐ Monetary Damages  
☐ No Monetary Damages  
☐ Cross Claim  
☐ Interpleader  
☐ Reinstatement (other than divorce or driving privileges)  
☐ Removal of Case to Federal Court

**Business & Contract**

- ☐ Attachment  
☐ Confessed Judgment  
☐ Contract Action  
☐ Contract Specific Performance  
☐ Detinue  
☐ Garnishment

**Property**

- ☐ Annexation  
☐ Condemnation  
☐ Ejectment  
☐ Encumber/Sell Real Estate  
☐ Enforce Vendor's Lien  
☐ Escheatment  
☐ Establish Boundaries  
☐ Landlord/Tenant  
☐ Unlawful Detainer  
☐ Mechanics Lien  
☐ Partition  
☐ Quiet Title  
☐ Termination of Mineral Rights

**Tort**

- ☐ Asbestos Litigation  
☐ Compromise Settlement  
☐ Intentional Tort  
☐ Medical Malpractice  
☐ Motor Vehicle Tort  
☐ Product Liability  
☐ Wrongful Death  
☒ Other General Tort Liability

**ADMINISTRATIVE LAW**

- ☐ Appeal/Judicial Review of Decision of (select one)  
☐ ABC Board  
☐ Board of Zoning  
☐ Compensation Board  
☐ DMV License Suspension  
☐ Employee Grievance Decision  
☐ Employment Commission  
☐ Local Government  
☐ Marine Resources Commission  
☐ School Board  
☐ Voter Registration  
☐ Other Administrative Appeal

**DOMESTIC/FAMILY**

- ☐ Adoption  
☐ Adoption – Foreign  
☐ Adult Protection  
☐ Annulment  
☐ Annulment – Counterclaim/Responsive Pleading  
☐ Child Abuse and Neglect – Unfounded Complaint  
☐ Civil Contempt  
☐ Divorce (select one)  
☐ Complaint – Contested\*  
☐ Complaint – Uncontested\*  
☐ Counterclaim/Responsive Pleading  
☐ Reinstatement – Custody/Visitation/Support/Equitable Distribution  
☐ Separate Maintenance  
☐ Separate Maintenance Counterclaim

**WRITS**

- ☐ Certiorari  
☐ Habeas Corpus  
☐ Mandamus  
☐ Prohibition  
☐ Quo Warranto

**PROBATE/WILLS AND TRUSTS**

- ☐ Accounting  
☐ Aid and Guidance  
☐ Appointment (select one)  
☐ Guardian/Conservator  
☐ Standby Guardian/Conservator  
☐ Trust (select one)  
☐ Impress/Declare  
☐ Reformation  
☐ Will (select one)  
☐ Construe  
☐ Contested

**MISCELLANEOUS**

- ☐ Appointment (select one)  
☐ Church Trustee  
☐ Conservator of Peace  
☐ Marriage Celebrant  
☐ Bond Forfeiture Appeal  
☐ Declaratory Judgment  
☐ Declare Death  
☐ Driving Privileges (select one)  
☐ Reinstatement pursuant to § 46.2-427  
☐ Restoration – Habitual Offender or 3<sup>rd</sup> Offense  
☐ Expungement  
☐ Firearms Rights – Restoration  
☐ Forfeiture of U.S. Currency  
☐ Freedom of Information  
☐ Injunction  
☐ Interdiction  
☐ Interrogatory  
☐ Judgment Lien-Bill to Enforce  
☐ Law Enforcement/Public Official Petition  
☐ Name Change  
☐ Referendum Elections  
☐ Sever Order  
☐ Taxes (select one)  
☐ Correct Erroneous State/Local  
☐ Delinquent  
☐ Vehicle Confiscation  
☐ Voting Rights – Restoration  
☐ Other (please specify) .....

☒ Damages in the amount of \$ 2,000,000.00 are claimed.

12/29/2021  
DATE

☐ PLAINTIFF ☐ DEFENDANT ☒ ATTORNEY FOR ☐ PLAINTIFF ☐ DEFENDANT

John Robert Kelly, Esquire #85967

PRINT NAME

4020 University Drive, Suite 501, Fairfax, VA 22030

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

(703) 385-1701

\*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA:

IN THE CIRCUIT COURT FOR GREENE COUNTY

DAMIAN HORSLEY  
13575 Castlebridge Lane  
Woodbridge, VA 22193

Plaintiff

vs.

Case No. CL 22-04

SHEETZ, INC.  
5700 6<sup>th</sup> Avenue  
Altoona, PA 16602

Serve Registered Agent:  
Corporation Service Company  
100 Shockoe Slip, Floor 2  
Richmond, VA, 23219

Defendant

COMPLAINT

COMES NOW the Plaintiff, DAMIAN HORSLEY, by and through counsel, and sues the Defendant, SHEETZ, INC., and for reasons states as follows:

1. On or about December 17, 2017, the Defendant, SHEETZ, INC., owned, operated, managed, or was otherwise responsible for the Sheetz property located at 7020 Seminole Trail, Ruckersville, Virginia.
2. On or about December 17, 2017, the Plaintiff, DAMIAN HORSLEY, was walking in the Sheetz property located at 7020 Seminole Trail, Ruckersville, Virginia.
3. At the same time and place aforesaid the Plaintiff, DAMIAN HORSLEY, slipped on a slippery substance, and fell on the ground.
4. The Defendant, SHEETZ, INC., did carelessly and negligently maintain and operate the premises in such a way as to allow and cause such a substance to be present, thereby creating a dangerous and/or hazardous condition for the Plaintiff, and others.
5. The Defendant, SHEETZ, INC., by and through its agents, servants and/or employees knew, or in the exercise of due caution and diligence, should have known, that the aforesaid

dangerous condition was then existing, and should have corrected same, should have properly inspected the premises for such conditions and should have warned the Plaintiff and other patrons of the dangerous condition.

6. At the time and place stated above, the Defendant, SHEETZ, INC., had duties to keep the premises free from dangerous conditions, to prevent defective and/or dangerous conditions, to remediate any dangerous or defective condition, and/or warn of any known or created dangers.

7. Notwithstanding said duties, the Defendant, SHEETZ, INC., recklessly, carelessly, and negligently maintained the premises in such a way as to allow the defective and/or dangerous condition (i.e. slippery floor) to exist, which resulted in Plaintiff's slip and fall.

8. The slip and fall was proximately caused by Defendant, SHEETZ, INC.'s, violation of the aforementioned duties.

9. As a direct and proximate result of the Defendant, SHEETZ, INC.'s, negligence though it's actions and/or inactions, the Plaintiff was caused to suffer various painful, serious, and permanent injuries to his mind and body, which necessitated past, present and possible future medical care and attention at great expense, and the loss of time and earnings from his gainful employment, pain, suffering, inconvenience, loss of enjoying the quality of life which Plaintiff maintained prior to the accident, property damage, and other damages.

WHEREFORE, your Plaintiff, DAMIAN HORSLEY, moves for entry of judgment against the Defendant, SHEETZ, INC., in the amount of One Million Dollars (\$1,000,000.00), plus costs and interest from December 17, 2017, and for such other and further relief as the Court deems just and appropriate.

DAMIAN HORSLEY  
By Counsel

Respectfully submitted,

THE LAW OFFICES OF ANDREW S. KASMER, P.C.



John Robert Kelly, Esquire  
VSB No. 85967  
4020 University Drive, Suite 501  
Fairfax, VA 22030  
(703) 385-1701 - telephone  
(703) 385-1120 - facsimile  
jkelly@kasmerlaw.com  
Counsel for Plaintiff

**JURY DEMAND**

Plaintiff demands a jury trial on all issues presented herein.



John Robert Kelly, Esquire